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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/020,641 | 12/10/2001 | Donald K. Craddick | 806-2-4-001 | 9239 |

7590 01/03/2007
John Snyder
262 Blackhawk Trail
Westminster, MD 21158

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| EXAMINER |
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LIVERSEDGE, JENNIFER L

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| ART UNIT | PAPER NUMBER |
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3692

| SHORTENED STATUTORY PERIOD OF RESPONSE | MAIL DATE | DELIVERY MODE |
|--|------------|---------------|
| 3 MONTHS | 01/03/2007 | PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

| | | | |
|------------------------------|---------------------------------|-------------------------------------|--|
| Office Action Summary | Application No. 10/020,641 | Applicant(s) CRADDICK, DONALD K. | |
| | Examiner Jennifer Liversedge | Art Unit 3692 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-77 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-77 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>3/12/2002</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

The disclosure is objected to because of the following informalities:

Paragraph [0006] refers to "...billers employ companies known as called bill service...". Sentence should include "known as" or "called".

Paragraph [0028] refers to "...clearing network 160..." instead of "...clearing network 170...".

Paragraph [0032] refers to "...includes a number of process which..." instead of "includes a number of processes which...".

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3, 6-7, 16-23, 26-27, 36-42, 45-46, 55-61, 64-65 and 74-77 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,968,319 B1 to Remington et al. (further referred to as Remington).

Regarding claims 1-3, 16-23, 36-42, 55-61 and 74-77, Remington discloses a system and method for concentrating electronic payments (columns 1-17) comprising

A clearing network comprising a private electronic data network for financial transactions (columns 3-4)

A communications network comprising a public electronic data network (column 5, lines 48-57; column 7, lines 10-33)

A biller system comprising a general purpose computer system programmed to generate bill data, wherein the bill data comprises for each bill an amount due and an identifier (Figures 6-9)

c-type payor systems comprising a first plurality of payor systems connected to the clearing network, the c-type payor systems comprising general purpose computer systems programmed to make individual electronic payments to the biller via the clearing network, the electronic payments of the c-type payor systems comprising a payment amount and an identifier (columns 3-4)

e-type payor systems comprising a second plurality of payor systems connected to the communications network, the e-type payor systems comprising general purpose computer systems programmed to make individual electronic payments to the biller via e-mail to an e-mail address associated with the biller, the electronic payments of the e-type payor systems comprising a payment amount and an identifier (column 4)

a financial institution system connected to the clearing network and the communications network, the financial institution system comprising a general purpose computer system programmed to

provide a depository account for the biller

receive the bill data

receive the electronic payments from c-type payor systems

receive the electronic payments from the e-type payor systems

periodically group the electronic payments (column 4, lines 7-36; column 16, lines 53-59)

match the grouped electronic payments with the bill data using the amount due and the identifier in the bill data on the one hand, and the payment amount and the identifier from the c-type payor systems and the e-type payor systems on the other hand (column 1, lines 38-48; column 4; column 6, lines 4-29)

periodically credit the biller's depository account for the electronic payments from the c-type payor systems and the e-type payor systems (column 16, lines 53-59).

Regarding claims 6-7, 26-27, 45-46 and 64-65, Remington discloses the system further comprising a payment service provider system for making payments on behalf of psp-type payors, the psp-type payors comprising a third plurality of payors; wherein the payment service provider system is connected to the clearing network, and the payment service provider system comprises a general purpose computer system to receive

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payment authorizations from the psp-type payors and make electronic payments to the biller via the clearing network of aggregated payments for the psp-type payors, the aggregated electronic payments of the payment service provider system comprising a payment amount and an identifier for each individual payment of the psp-type payors (columns 3-4).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 4-5, 8, 24-25, 28, 43-44, 47, 62-63 and 66 are rejected under 35 U.S.C. 103(a) as being unpatentable over Remington.

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Regarding claims 4-5, 24-25, 43-44 and 62-63, Remington discloses the system or method wherein the financial institution is programmed to group the electronic payments (column 4, lines 7-36; column 16, lines 53-59). Remington does not specifically disclose where the c-type and e-type payments are grouped separately, however, Remington discloses where c-type payments are grouped together (column 4, lines 7-36) and further where remittance information is batched with payment instructions that are in a file compatible for resolution (column 16, lines 53-59). It would be obvious to one of ordinary skill in the art at the time of the invention to group payment types together for processing, sorting based on type, such that types are separate. As Remington discloses batching c-type payments such that like transactions are batched, the motivation for grouping also e-type payments would be to provide a systematic mechanism by which to transfer payment types such that the receiver would be expecting to process certain types of transactions together, where c-type and e-type transactions are separate for handling.

Regarding claims 8, 28, 47 and 66 Remington does not disclose where the financial institution system is programmed to credit the biller's depository account for the payments from the c-type payor systems and the e-type payor systems on a daily basis. However, Remington discloses where remittance information is pooled and sent in batch (column 16, lines 53-59) and it would be obvious to one of ordinary skill in the art at the time of the invention to perform settlement on a daily basis. The motivation would be that while financial transactions take place throughout the day and a record

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compiled, the books are settled on a daily basis, starting each day with transactions of the day before cleared.

Claims 9-15, 29-35, 48-54, 67-73 are rejected under 35 U.S.C. 103(a) as being unpatentable over Remington as applied to claim 1 above, and further in view of Pub. No. U.S. 2002/0082991 A1 to Friedman et al. (further referred to as Friedman).

Remington does not disclose the where a report is sent for matched electronic payments and for exceptions where payments do not match a bill. However, Friedman discloses where a report is sent for matched electronic payments and for exceptions where payments do not match a bill (page 1, paragraph 5; page 2, paragraph 32-page 3, paragraph 35). It would be obvious to one of ordinary skill in the art at the time of the invention to modify the electronic bill payment system as disclosed by Remington to adapt the use of providing payment and exception reporting as disclosed by Friedman. The motivation would be that understanding accounts which are properly matched and paid verses accounts which are not would be an essential accounting data element in proper account management.

Conclusion

Any inquiry concerning this communication should be directed to Jennifer Liversedge whose telephone number is 571-272-3167. The examiner can normally be reached on Monday – Friday, 8:30 – 5 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached at 571-272-6777. The fax number for the organization where the application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jennifer Liversedge

Examiner

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RICHARD E. CHILCOT, JR.
SUPERVISORY PATENT EXAMINER